

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

VIVIAN GERAGHTY,

Plaintiff,

vs.

**JACKSON LOCAL SCHOOL
DISTRICT BOARD OF
EDUCATION, et al.**

Defendants.

CASE NO: 5:22-CV-02237

JUDGE: Hon. Pamela A. Barker

**DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

Defendants, Jackson Local School District Board of Education, Christopher DiLoreto, Monica Myers, and Kacy Carter (“Jackson”) respectfully request summary judgment in its favor on each count of Plaintiff’s Complaint because the undisputed facts demonstrate:

- Plaintiff voluntarily resigned her employment then refused to withdraw her resignation even though Superintendent DiLoreto was willing to allow her to withdraw it; Plaintiff insisted she could not work at Jackson—she was not constructively discharged;
- Plaintiff failed to exhaust administrative remedies available through collective bargaining grievance procedures even though both her union representative and Superintendent DiLoreto were willing to allow her to withdraw her resignation and work towards an accommodation—her requested relief is barred;
- Plaintiff was speaking as a public employee—not a private citizen—when addressing students while she was on-the-clock and her speech is not constitutionally protected;
- Jackson had a compelling interest to protect its students and foster a safe, accepting, and nondiscriminatory environment for all students in compliance with the law;
- Jackson offered reasonable accommodations, but Plaintiff failed to cooperate in the accommodations process, dismissed any possible accommodation, and offered no suggested accommodation of her own; and
- Claims against individual defendants in their official capacity should be dismissed.

The attached Memorandum is in support of this request.

DATED: February 14, 2024

Respectfully Submitted,

PLAKAS MANNOS



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CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of February, 2024 the foregoing was sent electronically to all counsel of record.



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